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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,501	04/04/2006	Joerg Dantlgraber	127445	3554
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EXAMINER				
LOPITZ, FRANK D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/573,501

**Applicant(s)**

DANTLGRABER, JOERG

**Examiner**

F. Daniel Lopez

**Art Unit**

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 15 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 13-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 13-15, 17, 20 and 23-25 is/are rejected.
- 7) ☐ Claim(s) 18, 19, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 15, 2008 has been entered.

***Response to Amendment***

Applicant's arguments filed September 10, 2007, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 13-23 have been considered but are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection are necessitated by the added limitations of claim 16 while eliminating some other limitations.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 112***

Claim 14 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14 line 2 "may be activated" is not a positive limitation. Suggest that this be replaced by –is selectively–.

***Claim Rejections - 35 USC § 102***

Claims 13, 17, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Klat et al (see discussion below).

***Claim Rejections - 35 USC § 103***

Claims 13, 14, 17, 20, 23 and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over EP 1,310,346 in view of Klat et al. EP 1,310,346 discloses a working machine with a drive mechanism comprising a hydraulic force transmitting element having primary and secondary units; wherein the primary and secondary units each have a differential piston, whose large effective areas (12, 26) jointly define a cylinder chamber (along with passage 19) and whose small effective areas (28, 14) are in hydraulic communication with each other, via an adjusting valve (56); wherein a spindle drive (20) drives the piston of the primary unit; and a pre-tensioning means, being an accumulator (94), subjects the cylinder chamber to a pre-tensioning pressure, through a pre-tensioning valve (96); but does not disclose a path or pressure measuring system for detecting relative position of the primary and secondary pistons or detecting a pressure in the cylinder chamber.

Klat et al teaches, for a drive mechanism comprising a hydraulic force transmitting element having primary and secondary units; wherein the primary and secondary units each have a differential piston(160, 162), whose large effective areas (12, 26) jointly define a cylinder chamber (208) and whose annular chambers are in hydraulic communication with each other (by 178); wherein a spindle drive (including 146) drives the piston of the primary unit; and a pre-tensioning means, being an accumulator (168); that there is a pressure measuring system (including 218) for detecting a pressure in the cylinder chamber, for the purpose of providing feedback signals to the motor (column 6 line 47-54).

Since EP 1,310,346 and Klat et al are both from the same field of endeavor, the purpose disclosed by Klat et al would have been recognized in the pertinent art of EP 1,310,346. It would have been obvious at the time the invention was made to one having ordinary skill in the art to use a pressure measuring system for detecting a pressure in the cylinder chamber of EP 1,310,346, as taught by Klat et al, for the purpose of providing feedback signals to the motor.

Claim 14 is rejected under 35 U.S.C. § 103 as being unpatentable over Klat et al in view of Matlachowsky. Klat et al discloses a working machine with a drive mechanism comprising a hydraulic force transmitting element having primary and secondary units; each having a differential piston (160, 162), whose large effective areas (12, 26) jointly define a cylinder chamber (208) and whose annular chambers communicate with each other (by 178); a spindle drive (including 146) drives the piston of the primary unit; and a pre-tensioning means, being an accumulator (168), subjects the cylinder chamber to a pre-tensioning pressure; but does not disclose that the pre-tensioning means may be activated and deactivated through the intermediary of a pre-tensioning valve.

Matlachowsky teaches, for a drive mechanism comprising a hydraulic force transmitting element with primary (e.g. 14a) and secondary (e.g. 12a) units; each having a differential piston, whose large effective areas communicate with each other (via passage 16a) and whose small effective areas communicate with each other, (via passage 17a); an accumulator (e.g. 44), subjects the cylinder chamber to a pre-tensioning pressure; that the pre-tensioning means is selectively activated and deactivated through the intermediary of a pre-tensioning valve (including 21a), for the purpose of being able to supply several drive mechanisms (12b, 14b; 12c, 14c).

Since Klat et al and Matlachowsky are all from the same field of endeavor, the purpose disclosed by Matlachowsky would have been recognized in the pertinent art of Klat et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to the pre-tensioning means of Klat et al is selectively activated and deactivated through the intermediary of a pre-tensioning valve, as taught by Matlachowsky, for the purpose of being able to supply several drive mechanisms.

Claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over Klat et al in view of Applicant's Admitted Prior Art, or EP 1,310,346 in view of Klat et al, as applied to claim 13, above and further in view of Applicant's Admitted Prior Art. Klat et al discloses all of the elements of claim 15, as discussed in the above rejection; but does not disclose that the working machine is a blanking machine, a nibbling machine or a blanking and nibbling machine.

The modified EP 1,310,346 discloses all of the elements of claim 15, including that the working machine is a plastic injection molding machine; but does not disclose that the working machine is a blanking and nibbling machine

Applicant's Admitted Prior Art teaches, for a work machine with an electromechanical-hydraulic drive mechanism, that the working machine can be either a blanking machine or a nibbling machine (e.g. page 1 paragraph 2).

Since Applicant's Admitted Prior Art teaches that electromechanical-hydraulic drive mechanisms similar to the machine of Klat et al can drive either a blanking machine or a nibbling machine; it would have been obvious at the time the invention was made to one having ordinary skill in the art to use the drive of either Klat et al or EP 1,310,346 to drive either a blanking machine or a nibbling machine, as taught by Applicant's Admitted Prior Art, since one having ordinary skill in the art would have been able to carry out such a substitution and the resulting combination would predictable work in the same manner.

Claim 25 is rejected under 35 U.S.C. § 103 as being unpatentable over Klat et al in view of Koike et al, or EP 1,310,346 in view of Klat et al, as applied to claim 13, above and further in view of Koike et al. Klat et al discloses all of the elements of claim 15, as discussed in the above rejection; but does not disclose that the cylinder chamber is in hydraulic communication with the annular chamber of the primary unit, via a displacement valve..

The modified EP 1,310,346 discloses all of the elements of claim 15, including that the working machine is a plastic injection molding machine; but does not disclose that the cylinder chamber is in hydraulic communication with the annular chamber of the primary unit, via a displacement valve.

Koike et al teaches, for a drive mechanism comprising a hydraulic force transmitting element having primary and secondary units, each with a 2 sided piston (92, 86), whose first areas (82a, 84a) jointly define a cylinder chamber and whose second chambers (82b, 84b) communicate with each other (by 88b); that the cylinder chamber communicate with the annular chamber of the primary unit, via a displacement valve (96), for the purpose of dealing with leakage across the piston seals (e.g. column 8 line 27-31).

Since Klat et al, EP 1,310,346 and Koike et al are both from the same field of endeavor, the purpose disclosed by Koike et al would have been recognized in the pertinent art of Klat et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to connect the cylinder chamber of either Klat et al or EP 1,310,346 with the annular chamber of the primary unit with a displacement valve, as taught by Koike et al, for the purpose of dealing with leakage across the piston seals.

### ***Conclusion***

Claims 18, 19, 21 and 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

*/F. Daniel Lopez/*

F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
June 27, 2008